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EXAMINER

NOLAN, SANDRA M

ART UNIT PAPER NUMBER

1772

DATE MAILED: 08/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/657,679

Applicant(s)

EDLEIN ET AL.

Examiner

Sandra M. Nolan

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-106 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30, 32-83, 85-102 and 104-106 is/are rejected.
- 7) ☒ Claim(s) 31, 84 and 103 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5-6-04 and 7-19-04.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claims***

1. Pursuant to the response dated 16 May 2004, claims 1-106 are pending.

### ***Information Disclosure Statement***

2. The information disclosure statements (IDS's) submitted on 06 May 2004 and 19 July 2004 were considered by the examiner.

Duplicate citations were crossed off where appropriate.

### ***Allowable Subject Matter***

3. Claims 31, 84 and 103 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
4. The prior art of record fails to teach or suggest films or methods having all of the features recited in claims 31, 84 and 103.

### ***Rejections Withdrawn***

5. All of the prior art rejections set out in the 03 December 2003 office action are hereby withdrawn in order to apply the new grounds of rejection below.
6. The examiner regrets any inconvenience caused by her failure to clearly state rejections against claims 56-68 and 60-65 in the previous office action. Any inference that claims 55-68 and 60-65 were allowable was unintentional.

### ***New Rejections***

#### ***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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8. Claims 1-26 and 56-61 are rejected under 35 U.S.C. 112, second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

These claims do not correspond to the showing presented at pages 33-36 of the specification, in which thermoset- or radiation-cured varnishes are applied to substrates that have ink on them.

Please clarify the claims.

*Claim Rejections - 35 USC § 103*

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-10, 12-13, 16-30, 32-35, 37-38 and 40-61 are rejected under 35 U.S.C. 103(a) as unpatentable over Kuo (US 5,962,092) in view of Curatolo (US 5,804,301).

Kuo teaches antifog packaging films (col. 14, lines 36-41) based on polymers (col. 1, lines 38-45) and having print on them (abstract; col. 3, line 60).

It fails to teach radiation curable inks or solvents.

Curatolo teaches radiation curable (col. 12, lines 24-31) inks (col. 11, lines 59-60) for polymer film substrates (col. 11, line 57) that contain flow additives (col. 9, line 26) and may be sprayed onto substrates (col. 12, line 1). The

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coatings give moisture resistance to the substrates on which they are coated (col. 11, lines 60-64).

The examiner deems "flow additives" to mean solvents.

It is well known in the art that coating with inks is also called printing.

The patents are analogous because they both deal printed substrates.

It would have been obvious to one having ordinary skill in the art at the time that the invention was made to employ the inks of Curatolo to print on the packaging films of Kuo in order to produce printed films having moisture resistance.

The motivation to employ the radiation curable inks of Curatolo to print on the films of Kuo is found at col. 11, lines 60-64 of Curatolo, where the moisture resistance of coated substrates is discussed.

It is deemed desirable to make packaging films moisture resistant so that the materials packaged therein will remain dry.

11. Claims 11, 14-16, 36, 39, 41, 77, 87 and 93-96 are rejected under 35 U.S.C. 103(a) as unpatentable over Kuo in view of Elms (US 3,976,614).

Kuo is discussed above.

It fails to teach solvent containing thermoset inks.

Elms teaches thermoset (col. 5, lines 59 through col. 6, line 7) inks (col. 2, lines 34) containing melamine or urethane resins (col. 4, lines 5-11) and solvents (col. 4, line 33). The inks give water resistant coatings (abstract).

It is well known in the art that coating with inks is also called printing.

The references are analogous because they both deal with printed substrates.

It would have been obvious to one having ordinary skill in the art at the time that the invention was made to employ the inks of Elms to print on the packaging films of Kuo in order to produce printed films having moisture resistance.

The motivation to employ the radiation curable inks of Elms to print on the films of Kuo is found in Elms' abstract, where the moisture resistance of coated substrates is discussed.

It is deemed desirable to make packaging films moisture resistant so that the materials packaged therein will remain dry.

12. Claims 27-35, 37-38, 40-55, 62-76, 78-83, 85-86, 88-92, 95, 97-102 and 104-106 are rejected under 35 U.S.C. 103(a) as unpatentable over Kuo in view of Fairbanks (US 4,008,115).

Kuo is discussed above.

It fails to teach radiation-cured overcoats on inked polymer layers.

Fairbanks shows, in Fig. 1, radiation curable (col. 4, lines 15-30) coatings **46** on inked **22** (col. 3, lines line 34) polymer films **18** (col. 4, lines 50-56). The final products are solvent and abrasion resistant (abstract).

It is well known in the art that coating with inks is also called printing.

The references are analogous because they both deal with printed coated polymer substrates.

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It would have been obvious to one having ordinary skill in the art at the time that the invention was made to employ the radiation curable coatings of Fairbanks on the films of Kuo in order to enhance their solvent and abrasion resistance.

It is deemed desirable to make packaging films solvent and abrasion resistant so that the integrity of the package will not be compromised.

***Response to Arguments***

13. Applicant's arguments with respect to claims 1-39, 32-83, 85-102 and 104-106 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication should be directed to Sandra M. Nolan, whose telephone number is 571/252-1495. She can normally be reached on Monday through Thursday, from 6:30 am to 4:00 pm, Eastern Time. If attempts to reach the examiner are unsuccessful, her supervisor, Harold Pyon, can be reached at 571/252-1498. The fax number for patent application documents is 703/872-9306.



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